

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
CHAMPION COMMUNICATION SERVICES,)
INC.)
Licensee of Conventional Industrial/Business)
Pool Radio Service Station WPSK972, Chicago,
Illinois)

ORDER OF MODIFICATION

Adopted: January 22, 2004

Released: January 23, 2004

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

1. *Introduction.* In this *Order of Modification*, we modify the captioned license of Champion Communication Services, Inc. (Champion) for private land mobile radio (PLMR) Industrial/Business Pool Station WPSK972, Chicago, Illinois. Specifically, we delete frequency pair 472/475.9625 MHz and add frequency pair 476/479.9625 MHz.

2. *Background.* Section 316(a)(1) of the Communications Act of 1934, as amended, permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.¹ The former Public Safety and Private Wireless Division (Division) of the Wireless Telecommunications Bureau proposed the instant modification and set forth the reasons therefor by *Memorandum Opinion and Order* released June 26, 2003.² Briefly, the Division proposed the instant modification to address an interference dispute resulting from an apparent error in the Commission's database that allowed the captioned licensee and Browning Ferris Industries of Illinois (BFI)³ to be authorized to use the same channel, at the same transmitter site, and for ninety or more mobile units, which ordinarily qualifies for exclusive use.⁴ In this connection, the Division concluded that Champion's application should not have been granted to the extent that such action authorized operation within 64 km of a station operating on a frequency pair that was at full capacity because such grant violated Section 90.313(c) of the Commission's Rules.⁵ However, rather than revoking the erroneous grant as

¹ 47 U.S.C. § 316(a)(1).

² See Browning Ferris Industries of Illinois and Champion Communication Services, Inc., *Memorandum Opinion and Order*, 18 FCC Rcd 12649 (WTB PSPWD 2003) (*MO&O*).

³ BFI is the licensee of PLMR Industrial/Business Pool Station KAT277, Chicago, Illinois.

⁴ See 47 C.F.R. § 90.313(a)(2).

⁵ See *MO&O* at ¶ 5 citing 47 C.F.R. § 90.313(c).

BFI requested,⁶ the Division proposed to modify Champion's license pursuant to Section 316 by replacing frequency pair 472/475.9625 MHz with a frequency pair that would not violate the Commission's Rules. In this connection, the Division noted its belief that a frequency pair replacement is appropriate to preserve the existing coverage areas of affected parties, *to the extent possible*, and prevent harmful interference.⁷

3. *Discussion.* In the *MO&O*, the Division presented Champion with a choice of three possible replacement frequency pairs: 476/479.9625, 477/480.5625, or 477/480.7625 MHz.⁸ It proposed that Champion select one of the pairs by filing an application to modify the license. Alternatively, the *MO&O* proposed that if Champion waived the option to choose, a replacement pair would be chosen and assigned to Station WPSK972 by the Commission.⁹ On July 16, 2003, Champion chose the latter option, requesting that the Commission select one of the frequency pairs and modify the license accordingly.¹⁰ Based upon Champion's request, we have selected 476/479.9625 MHz as the replacement frequency pair.

4. We also noted in the *MO&O* that in order to modify Champion's license accordingly, the replacement frequency pair is subject to coordination with television stations.¹¹ Station WPSK972 is required to protect TV stations, through its antenna height and effective radiated power (ERP) parameters, in accordance with Sections 90.307 and 90.309 of the Commission's Rules.¹² While the old frequency pair is in TV channel 14 spectrum, the new frequency pair is in TV channel 15 spectrum.¹³ Due to the configuration of TV stations in the Chicago area, a land mobile radio station operating on TV channel 15 spectrum must have more restrictive operating parameters than a land mobile radio station operating on TV channel 14 in order to protect TV stations' service areas. In particular, we have identified nearby co-channel TV Stations WMTV and WICD on TV Channel 15. We performed our own engineering study and determined the appropriate power limits to achieve the required protection while keeping the base station coordinates and antenna height as currently authorized. For protection of the co-channel TV stations, we determined that the maximum effective radiated power (ERP) of the base station

⁶ See Informal Request for License Revocation, filed by BFI on December 19, 2002.

⁷ See *MO&O* at ¶ 8.

⁸ See *MO&O* at ¶ 7.

⁹ *Id.* See also Letter from Robert J. Miller, Gardere Wynne Sewell LLP, counsel for Champion Communication Services, Inc., to D'wana R. Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau (dated July 16, 2003) (Champion Letter).

¹⁰ See Champion Letter.

¹¹ See *MO&O* at ¶ 7. The *MO&O* specifically identified TV Stations WMTV, WICD, and WNDU.

¹² 47 C.F.R. §§ 90.307, 90.309.

¹³ The frequency ranges of TV channels 14 and 15 are 470-476 MHz and 476-482 MHz, respectively.

antenna located on the Sears Tower is 12 watts.¹⁴ With TV Station WMTV located 200.3 km away, the maximum ERP for mobile units is 10 watts.¹⁵

5. In addition, we have identified adjacent channel TV Station WNDU on TV Channel 16, which requires protection in accordance with the Rules. For protection of TV Station WNDU, we determined that the mobile unit radius of operation from the base station must be reduced from the current value of 48 km. Section 90.307(d) states that the required separation between a land mobile base station which has associated mobile units and a protected adjacent channel TV station is 145 km.¹⁶ The actual distance between Station WPSK972 and TV station WNDU is 122.2 km. In Public Notice 20291, the Commission determined that mobile and control stations, associated with base stations located less than the required separation from an adjacent channel TV station, may not operate within 60 miles (96.54 km.) of an adjacent channel TV station.¹⁷ Therefore, we calculated that the maximum mobile operating radius will be 25 km. around the WPSK972 base station in order to maintain at least 96.54 km. of mobile unit separation with Station WNDU.

6. ACCORDINGLY, IT IS ORDERED that, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, the license for private land mobile radio service Station WPSK972, Chicago, Illinois, held by Champion Communication Services, Inc., BE MODIFIED by replacing frequency pair 472/475.9625 MHz with 476/479.9625 MHz. Further, the maximum base station ERP is 12 watts; the maximum mobile unit ERP is 10 watts; and the mobile radius of operation is 25 kilometers.

7. IT IS FURTHER ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, that the Licensing and Technical Analysis Branch SHALL PROCESS the modification to Station WPSK972, consistent with this *Order of Modification* and the Commission's Rules.

8. IT IS FURTHER ORDERED that this *Order of Modification* shall be sent by certified mail, return receipt requested, to the following: (1) Ms. Kristina Usey, Champion Communication Services, Inc., 1610 Woodstead Court, Suite 330, The Woodlands, Texas 77380; (2) WNDU-TV, Michiana Telecasting Corp., P.O. Box 1616, South Bend, Indiana 46634; (3) WMTV, Gray Mid America TV Licensee Corp., 615 Forward Avenue, Madison, Wisconsin 53711; and (4) WICD Licensee LLC, 2300 N Street, N.W., Washington, DC 20037-1128.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

¹⁴ 47 C.F.R. §§ 90.309, Figure A.

¹⁵ 47 C.F.R. §§ 90.309, Table C.

¹⁶ 47 C.F.R. §§ 90.307(d).

¹⁷ See Public Notice 20291, *Private Land Mobile Operations in the 470-512 MHz Band*, (Rel. Oct. 12, 1991).

FEDERAL COMMUNICATIONS COMMISSION

Division

D'wana R. Terry
Chief, Public Safety and Critical Infrastructure

Wireless Telecommunications Bureau